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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,692	09/09/2003	Jeffrey J. Plummer	913/41267	2310
279	7590	06/23/2005		
TREXLER, BUSHNELL, GIANGIORGI, BLACKSTONE & MARR, LTD. 105 WEST ADAMS STREET SUITE 3600 CHICAGO, IL 60603			EXAMINER WATSON, ROBERT C	
			ART UNIT	PAPER NUMBER
			3723	
DATE MAILED: 06/23/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/658,692

Applicant(s)

PLUMMER, JEFFREY J.

Examiner

Robert C. Watson

Art Unit

3723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8-11 and 13-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-11 and 14-19 is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☒ Claim(s) 4-6, 13, 20, 21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 -3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones in view of Lucas and Ensley.

Jones shows an assembly including a cable puller 17, a carriage 13, and an adapter 16, 16 mounted on the carriage having a frame onto which the cable puller is mounted. The adapter has spaced apart spars 16 with at least one rib spacing the spars apart from each other. Jones does not specify what type of clamping or fastening means is employed to mount the cable puller onto the adaptor frame.

Ensley teaches that a vise chain may be used to clamp/fasten a cable puller to a support or frame.

To mount/fasten the cable puller of Jones to the adaptor frame by means of a chain vise would have been obvious for one skilled in the art at the time the invention was made in view of the disclosure of Ensley. One of ordinary skill in the art would have been motivated to do this in order to provide a convenient means to mount/fasten the cable puller to the adaptor frame.

Lucas teaches that a cable puller carriage may have wheels.

To provide wheels for the cable puller carriage of Jones would have been obvious for one skilled in the art at the time the invention was made in view of the

disclosure of Lucas. One of ordinary skill in the art would have been motivated to do this in order to provide a convenient way of transporting the carriage along the ground.

Claims 4-6, 13, 20, and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 8-11 and 14-19 are allowed.


Applicant's remarks have been carefully considered but are not persuasive of any error in the above rejection. Applicant's suggestion that the Ensley teaching is limited only to mounting a cable puller having vise chains to a frame structure having tubes is found to be a restrictive view of the Ensley teachings. Upon inspection of the claims in Ensley the attachment of the chains is to "a support member" and is not limited to mounting the chains to a tube. Since elements 16,16 in of Jones is the support member for the cable puller it is axiomatic from the teachings of Ensley that it is obvious to use the Ensley vise chains to mount the cable puller to the Jones' support frame 16,16. Secondly, the support frame 16,16 in Jones could very well be a tube in which case the Ensley vise chains would be attached to a tube. Applicant's further argue that if the Ensley chains were mounted to the support frame 16,16 of Jones that "the vise chains would slide on the slanted legs" is not understood by the examiner. It is the examiner's position that no sense can be made from this suggestion. In conclusion, applicant's remarks are not persuasive of any error in the above rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert C. Watson whose telephone number is 571 272-4498. The examiner can normally be reached on Mon. - Thurs. , 5:30am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J. Hail III can be reached on 571 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

rcw


ROBERT C. WATSON
PRIMARY EXAMINER